

**CITY COUNCIL MEETING  
CITY OF WATERTOWN  
November 3, 2014  
7:00 p.m.**

**Mayor Jeffrey E. Graham Presiding**

**Present:** Council Member Roxanne M. Burns  
Council Member Joseph M. Butler, Jr.  
Council Member Stephen A. Jennings  
Council Member Teresa R. Macaluso  
Mayor Graham

**Also Present:** Sharon Addison, City Manager  
Robert J. Slye, City Attorney

**City staff present:** Jim Mills, Ken Mix, Eugene Hayes, Fire Chief Herman, Deputy Fire Chief Randall, Police Chief Donoghue, Michael Lumbis, Amie Davis, Brian Phelps, Amy Pastuf, Justin Wood, Erin Gardner, Michael Sligar, Maggie Waggoner

The City Manager presented the following reports to Council:

- Health Insurance Annual Review by Pomco - Christina Lanigan
- Health Insurance Annual Review by ProAct - Kimberly Johnson
- Resolution No. 1 - Appointment of Commissioner of Deeds
- Resolution No. 2 - To Settle Action Pertaining to 209 Sterling Street, Parcel No. 11-01-105
- Resolution No. 3 - Approving Pole Attachment Agreement, National Grid
- Resolution No. 4 - Approving Funding Approval/Agreement FY 2014 Community Development Block Grant
- Resolution No. 5 - Finding That Amending Planned Development District #1 to Allow Additional Signage at 1279 Coffeen Street Will Not Have a Significant Impact on the Environment
- Public Hearing - Ordinance Amending PDD #1 to Allow Additional Signage at 1279 Coffeen Street
- Tabled Resolution - Approving Whitewater Park Public Access Limited Use Agreement with Hole Brothers Holdings, LLC
- Dog Park Site Evaluations
- Program Year 2012 Community Development Block Grant Public Hearing
- Bike Auction Results
- Year-End Financial Report
- Sales Tax Revenue – September 2014
- Letter from Small Business Development Center

**Complete Reports on file in the office of the City Clerk**

Meeting opened with a moment of silence and Council Member Burns asked that it be in remembrance of Jean Doldo, a well respected community member.

Pledge of Allegiance was given.

The reading of the minutes of the regular meeting of October 20, 2014 was dispensed and accepted as written by motion of Council Member Roxanne M. Burns, seconded by Council Member Joseph M. Butler, Jr. and carried with all voting in favor thereof.

## **P R E S E N T A T I O N S**

### **Health Insurance Annual Review by Pomco - Christina Lanigan and Penny Barron**

Mayor Graham interrupted the regular course of business to allow Pomco representatives Christina Lanigan and Penny Barron to present the annual review of Health Insurance to Council.

Ms. Barron reviewed the presentation packet (on file in the City Clerk's Office) detailing the items that have made for a successful partnership between the City and Pomco since 1992.

Ms. Lanigan explained the historical financial performance for the last nine years noting that on a per enrollee basis, program costs have increased by 2.7% and medical claims account for 61% of this. She stressed that this is excellent compared to the industry and that she is impressed with how the plan is performing from that perspective. In reviewing the Health Plan Financial Trends, she summarized that there is a decrease in overall costs.

In regard to Stop Loss Premium, Council Member Butler commented that the amount paid towards this is significant and asked if the coverage is currently at \$150,000.

Matt Roy, Administrative Specialist, explained that it was in past years but it was increased to \$175,000 for FY 2014-15.

Council Member Butler pointed out that the difference between the Stop Loss Premium and the Stop Loss Reimbursement has been significant in the last few years and wondered if a higher Stop Loss Premium would make better sense. He also suggested having an independent actuary do a review of the data.

Ms. Barron advised that the premium is driven by the demographics of the group and noted that with no lifetime maximum benefits, Stop Loss is important in case there is a really high cash-out claim.

Council Member Burns pointed out that approximately 3-4 years ago there was a catastrophic claim in which this was needed.

Ms. Lanigan agreed that there were a number of years in which this was needed but in the last few years reimbursements have been low. She mentioned that the City works with a broker who researches all the data. In addition, she stressed that this coverage is protection for the unknown.

After reviewing the claims based on type, Ms. Lanigan pointed out that preventive services have increased but this helps from a long-term perspective because screenings are important for early detection. She clarified for Council Member Burns that the incidents of substance abuse is not zero but is insignificant in comparison to the other categories. The Provider Network Utilization was described and the large claimants over \$25,000 were reviewed in detail.

Ms. Barron explained how Pomco seeks to manage costs through Utilization Review, Case Management and Specialized Case Management noting the participants' calls and use of MyPomco are monitored to see where member education is needed. Finally, she mentioned the "MyPomco Goes Mobile" application for mobile devices such as smart phones and tablets and how this information is at the members' fingertips.

**Health Insurance Annual Review by ProAct - Kimberly Johnson**

Mayor Graham welcomed Kimberly Johnson, ProAct Account Manager to provide an annual review of this program.

Ms. Johnson reviewed the presentation packet (on file in the City Clerk's Office) explaining the Performance Summary and Utilization Summary noting that there has been an increase in the mail order usage. In addition, she stated the average amount paid for brand scripts is 7% but the average across the industry is 10-12%. She discussed the average amount paid by member verses the average amount paid by the plan and it indicates that the City is very generous to the employees. The analysis of demographics was normal for typical municipalities but the usage of specialty drugs was incredibly lower than what is normally seen.

Council Member Butler asked if there were any preferred drugs that would be available as generic in the near future.

Ms. Johnson referred him to page 10 of the handout which identifies the generic patent expiration list but noted that this savings usually is not seen for six months. In conclusion, Ms. Johnson offered some recommendations and opportunities for savings through Network Discounts, Therapeutic Alternatives and Home Delivery.

**COMMUNICATIONS**

A claim was received from Tom Cheney, Cheney Tire, Inc., 839 State Street, requesting reimbursement for expenses incurred due to drainage problems since the State Street Reconstruction in 2008.

**Above claim has been referred to the Board of Audit.**

**PRIVILEGE OF THE FLOOR**

**Mary Clemo Smith**, Washington Street, addressed the chair stating the fields at the Fairgrounds are used by many people throughout the summer for various sporting activities and she pointed out that there are not enough Porta-Potties to accommodate everyone. She requested that more be available during large events. She reminded Council that the City spent money on beautiful restroom facilities at City Center Drive but she said they are not used very much.

Regarding a dog park, she commented that Mr. Lumbis and his staff did a great job on the report, but she expressed concern that water and shade is needed for the dogs because water and shade is not available for the children playing on the Fairgrounds' fields. She also questioned whether NYS has to give permission to use parkland for this purpose or whether there is anything in the "Charter of Thompson" regarding uses of the land. In addition, she asked how much money has already been spent by the City in regards to planning for the dog park noting that it was to be at no cost to the City. She inquired about insurance coverage for the dog park and who would be responsible for it. Lastly, she

asked who is going to be responsible for shoveling during the winter and mowing during the summer. She stressed that the dog park is going to cost the City and wants to know how much.

**Joe Timourou**, 468 South Meadow Street, offered input on the location of the dog park stating that within Thompson Park would be better because it is a neutral area which is not surrounded by residents. Being more insulated from a residential neighborhood, he said may lead to fewer problems.

**S. G. Gates**, 157 Dorsey Street, addressed the chair stating that three of the proposed locations for a dog park are too small and that four of the locations are too close to the SPCA. He said that Thompson Park would be better because families already spend time in the park and that everyone he talks to would like to see it in the park. He mentioned that eventually he would like to see a pavilion for events and the park is conducive to that.

## **PUBLIC HEARING**

**At 7:35 p.m. Mayor Graham asked the City Clerk to read the notice of Public Hearing Concerning amending PDD #1 to Allow Additional Signage at 1279 Coffeen Street**

**Mayor Graham declared the hearing open at 7:35 p.m.**

No one spoke.

**Mayor Graham declared the hearing closed at 7:35 p.m.**

## **RESOLUTIONS**

**Resolution No. 1 - Appointment of Commissioner of Deeds**

**Introduced by Council Member Teresa R. Macaluso**

WHEREAS Commissioner of Deeds in the cities of this state shall be appointed by the common councils of such cities, and

WHEREAS Commissioner of Deeds shall hold the term of two years, and

WHEREAS any person who resides in or maintains an office or other place of business in any such city and who resides in the county in which said city is situated shall be eligible to appointment;

NOW THEREFORE BE IT RESOLVED that the following individuals are hereby appointed Commissioner of Deeds for the term expiring December 31, 2016.

### **City Employee - Police Department**

Backus, Stephen R.  
Beshures, Adam C.  
Boyle, Sean P.  
Bull, Jacob W.  
Cummings, George A.  
Dawley, Matthew J.

Badalato, Jason J.  
Bickel, Charles L.  
Brady, Glenn M.  
Chartrand, Suzanne M.  
Davis, Joshua W.  
Donoghue, Charles P.

Donoghue, Sr., Joseph R.  
Foote, Jeremy D.  
Fuhrman, Cristin N.  
Gauthier, Amanda L.  
Gibbs, Gregory P.  
Keck, Peter C.  
Lamica, Mark A.  
Maney, Michael S.  
McAdoo, Michael  
McIntyre, Scott M.  
McLane, Eric J.  
Miller, Ernest J.  
Neddo, Andrew T.  
O'Brien, Dennis P.  
Preedom, Matthew D.  
Roll, Matthew T.  
Ryan, Shane M.  
Spencer, Jr., James R.  
Thomas, Christopher L.  
Trottier, Holly M.  
Whitmore, Roy E.

Flath, Tyler M.  
Freeman, Scott J.  
Gatch, Ronald E.  
Giaquinto, Joseph A.  
Horr, David W.  
Keefer, Jennifer L.  
Lewis, Elizabeth M.  
March II, Frederick E.  
McConnell, Wayne W.  
McKeever, Nathan L.  
McNitt, James R.  
Mullins, Michael J.  
Noone, Kenny C.  
Pitts, Jonathan M.  
Rafferty, William K.  
Romano, James A.  
Sines, Robert L.  
Sutton, Mark W.  
Trapp, Vance J.  
Vera, Erica  
Yott, Darren K.

**City Employee - Code Department**

Meunier, Carolyn

Shipley, Christine

**Non-City Employees**

Burns, Ellen E.  
Izzo, Mary G.  
McDermott-Fiorentino, Amy Jo  
Walroth, Barbara A.

Buzzell, Tina  
McClusky, Joanne M.  
Sterling, Scott Edward  
Wells, Christine M.

**Seconded by Council Member Joseph M. Butler, Jr. and carried with all voting yea.**

**Resolution No. 2 - To Settle Action Pertaining to 209 Sterling Street, Parcel No. 11-01-105**

**Introduced by Council Member Stephen A. Jennings**

WHEREAS certain premises is owned by Angel Eyes Properties, LLC, in the City of Watertown at 209 Sterling Street, Parcel No. 11-01-105 (the "subject property"), and

WHEREAS the subject property included a deteriorated structure that resulted in the subject property being condemned for occupancy, and

WHEREAS the City Manager, through City Code Chapter 120, directed City Code Personnel to use procedures contained in Chapter 120 to demolish and remove the unsafe structure using City personnel and/or private contractors subsequent to a Hearing and Order for Demolition, and

WHEREAS the City incurred and/or paid \$38,559.09 associated with the cleanup and demolition efforts together with a statutory \$2,000.00 administrative surcharge and invoiced the Defendant in the same amount, and

WHEREAS Defendant has not paid such amounts to the City, and

WHEREAS the City determined to proceed against Defendant in an effort to recover such amount rather than simply receiving the now vacant subject property, and

WHEREAS a compromise and settlement of the action is deemed in the best interests of the City,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York, that the City Attorneys for the City of Watertown be and are hereby authorized, empowered and directed to enter into a formal Stipulation of Settlement, Discontinuance and Order of the above action with counsel for Defendant Angel Eyes Properties, LLC, on the following terms and conditions:

1. Defendant shall sign an Affidavit of Confession of Judgment for the full amount sought in the action.
2. Defendant shall pay, and the City of Watertown shall accept, \$10,000.00 as partial payment of the Defendant's indebtedness to the City of Watertown on or before November 3, 2014.
3. Defendant shall pay, and the City of Watertown shall accept, payment from Defendant in the amount of \$7,000.00 on or before May 1, 2015, intended as partial payment of Defendant's indebtedness to the City of Watertown.
4. Defendant shall convey all Defendant's right, title and interests in 209 Sterling Street, Watertown, New York, otherwise known as tax parcel No. 11-01-105 to the City of Watertown on or before November 3, 2014.
5. The City of Watertown shall hold the Confession of Judgment in escrow and shall not execute upon the Confession of Judgment unless Defendant Angel Eyes Properties, LLC, defaults in any of its responsibilities under the Stipulation in any respects and, in that event of default, Defendant shall receive a credit for any partial payment(s) made and a credit equal to the assessed value of the now vacant subject property, if conveyed to the City of Watertown.

BE IT FURTHER RESOLVED that the City Manager, the City Attorney and all other municipal officers, agents and employees be and they are hereby directed to do such acts and things as may be necessary to give full force and effect to the aforesaid settlement, and

BE IT FURTHER RESOLVED this Resolution shall take effect immediately.

**Seconded by Council Member Joseph M. Butler, Jr. and carried with all voting yea.**

**Resolution No. 3 - Approving Pole Attachment Agreement, National Grid**

**Introduced by Council Member Stephen A. Jennings**

WHEREAS the City of Watertown desires to display holiday decorations throughout the community, and

WHEREAS National Grid, owners of the street lighting system, wishes to permit civic organizations and/or municipal corporations to temporarily attach seasonal decorations, announcements and special-event notifications to their facilities, and

WHEREAS National Grid has asked the City to approve a Pole Attachment Agreement to cover the use of their facilities,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown approves the Pole Attachment Agreement, a copy of which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that the City of Watertown hereby agrees to defend and indemnify National Grid from and against any and all claims for personal injury or property damage arising from the negligence of any of its officers or employees occurring in connection with the use of their facilities in accordance with this Agreement, and

BE IT FURTHER RESOLVED that City Manager Sharon Addison is hereby authorized and directed to execute the Agreement on behalf of the City of Watertown.

**Seconded by Council Member Joseph M. Butler, Jr. and carried with all voting yea.**

**Resolution No. 4 - Approving Funding Approval/Agreement FY 2014 Community Development Block Grant**

**Introduced by Council Member Stephen A. Jennings**

WHEREAS the City of Watertown has completed its Fiscal Year 2014 Annual Action Plan for the Community Development Block Grant Program and submitted it to the U.S. Department of Housing and Urban Development (HUD), and

WHEREAS HUD has approved said Annual Action Plan and prepared a Funding Approval/Agreement which is attached and made part of this Resolution,

NOW THEREFORE BE IT RESOLVED that the City of Watertown hereby approves the Funding Approval/Agreement with the U.S. Department of Housing and Urban Development, and

BE IT FURTHER RESOLVED that the Mayor, Jeffrey E. Graham, is hereby authorized and directed to sign the Agreement on behalf of the City Council.

**Seconded by Council Member Joseph M. Butler, Jr. and carried with all voting yea.**

**Resolution No. 5 - Finding That Amending Planned Development District #1 to Allow Additional Signage at 1279 Coffeen Street Will Not Have a Significant Impact on the Environment**

**Introduced by Council Member Teresa R. Macaluso**

WHEREAS the City Council of the City of Watertown, New York, has before it a proposed Ordinance amending Planned Development District #1 to allow additional signage at 1279 Coffeen Street, and

WHEREAS the City Council must evaluate all proposed actions submitted for its consideration in light of the State Environmental Review Act (SEQRA), and the regulations promulgated pursuant thereto, and

WHEREAS the approval of the zone change would constitute such an “Action,” and

WHEREAS the City Council has determined that changing the zoning classification of this property is an Unlisted Action as that term is defined by 6NYCRR Section 617.2, and

WHEREAS to aid the City Council in its determination as to whether the proposed zone change will have a significant impact on the environment, Part I of a Short Environmental Assessment Form has been prepared, a copy of which is attached and made part of this Resolution,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York, that:

1. Based upon its examination of the Short Environmental Assessment Form and comparing the proposed action with the criteria set forth in 6NYCRR Section 617.7, no significant impact is known and the adoption of the zone change will not have a significant impact on the environment.
2. The Mayor of the City of Watertown is authorized to execute the Environmental Assessment Form to the effect that the City Council is issuing a Negative Declaration under SEQRA.
3. This Resolution shall take effect immediately.

**Seconded by Council Member Stephen A. Jennings and carried with all voting yea.**

### **OLD BUSINESS**

**The Ordinance “Amending PDD #1 to Allow Additional Signage at 1279 Coffeen Street”.**

**(Introduced on 10/20/2014; public hearing held this evening; appears in its entirety in the 2014 Minutes Book on page 16-17 of the 10/20/2014 minutes).**

In response to Council Member Butler’s question, Kenneth Mix, Planning Coordinator, explained the regulations for the Planned Development District (PDD) and a commercial district. He noted that the two free standing signs were allowed through an amendment to the PDD but the schedule was silent on what was allowed on the building because the building signage already existed. He added that the building has been torn down and replaced so the owner wants to put the signage on the building back up. He advised that this amendment would allow for that.

**At the call of the chair, a vote was taken on the foregoing ordinance and carried with all voting yea.**

**The Resolution “Approving Whitewater Park Public Access Limited Use Agreement with Hole Brothers Holdings, LLC”. (Introduced on 10/20/2014; tabled; appears in its entirety in the 2014 Minutes Book on page 3 of the 10/20/2014 minutes).**

**The foregoing resolution remained tabled.**



## **STAFF REPORTS**

### **Dog Park Site Evaluations**

Mayor Graham suggested Council view the proposed sites collectively on a Saturday.

Council agreed.

Council Member Butler commented that the in-kind costs of the dog park is a good question in terms of the amount of time put into this project. He would like to see a report on this.

Council Member Jennings thanked the Planning Department for the wonderful job done on the proposal and he looks forward to viewing the sites.

### **Program Year 2012 Community Development Block Grant Public Hearing**

**Motion was made by Council Member Joseph M. Butler, Jr. to schedule a Public Hearing for Monday, November 10, 2014 at 7:30 p.m. to hear public input on the effectiveness of the City's administration of the Program Year 2012 Community Development Block Grant. Motion was seconded by Council Member Roxanne M. Burns and carried with all voting in favor thereof.**

### **Bike Auction Results**

Council Member Butler commented that this was well attended and it was a good sale. He thanked Comptroller James Mills.

Council Member Macaluso noted that a evening auction seemed to be more successful.

### **The following reports were available for Council to review:**

**Year-End Financial Report**

**Sales Tax Revenue – September 2014**

**Letter from Small Business Development Center**

## **NEW BUSINESS**

### **Property Auction**

Mayor Graham asked if the property auction was this week.

James Mills, City Comptroller, stated that it is scheduled for Wednesday, November 5<sup>th</sup> at 6:00 p.m.

### **Maggie's Deck**

Mayor Graham told Council that he spoke with Attorney Hector and the terms of the agreement are satisfactory to him. He said Attorney Slye recommends that Council wait until NYS approves the agreement before acting upon it.

### **Need for Additional Restrooms at the Park**

Council Member Burns advised that Thompson Park has a need for additional restrooms and this need is greater due to additional activities and infrastructure such as the Fort Drum Monument and proposed splash park. She stressed that restrooms need to be functional, clean and safe.

**Restrooms at Fairgrounds**

Referring to Ms. Clemo Smith's comments during public comment, Mayor Graham said that this needs to be looked at. He mentioned that some of this might be solved when the arena is renovated but the current conditions described are not very user friendly.

Council Member Butler agreed with Ms. Clemo Smith in that the Fairgrounds does have a tremendous amount of traffic on some days. He said the City needs to be more proactive regarding this.

**Tree Planting last Saturday**

Council Member Butler thanked Mr. Lumbis for this initiative stating that the IHC's Principal was extremely pleased with the trees that were planted.

Mayor Graham agreed that this was a great activity.

**Stop Loss Premium for Health Insurance**

Council Member Butler reiterated that he would like an actuary to look at this.

**Salvation Army Kettle Drive**

Mayor Graham announced that this drive kicked off on Sunday and he urged the community to be supportive.

**Berow and Monroe Building – 138 Court Street**

Mayor Graham asked for a status on this.

Attorney Slye advised that there was a settlement letter sent to Attorney Capone 14 days ago.

**Stateway Plaza – Western Boulevard**

Mayor Graham commented that there have been discussions regarding this and that the City should be upfront on the public policy for this issue. He said there is not sufficient support to move ahead with it although there is a difference of opinion. He suggested more discussion in regards to a shorter project connecting Western Boulevard to the isolated parcel as opposed to connecting to Gaffney Drive.

Council Member Burns stated that Council owes Mr. Donegan a response because he has come before this body many times. She said ideally the road should connect to Gaffney Street but the support is not there because it is an expensive project. She agreed a scaled back project would be a good compromise.

Council Member Macaluso indicated her reason for not supporting the project is because the City would have to spend a lot of money in legal fees just to obtain the property. She pointed out that she never said that she does not want the project done, but financially, it is not the time for the City to be putting in this road. She stressed that this is not on the priority list for the City.

**ADJOURNMENT**

**At the call of the chair, meeting was duly adjourned at 8:14 p.m. by motion of Council Member Roxanne M. Burns, seconded by Council Member Teresa R. Macaluso and carried with all voting in favor thereof.**

*Ann M. Saunders*  
City Clerk